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copy**MORRISON & FOERSTER LLP**

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**FAX RECEIVED****AUG 23 2001****PETITIONS OFFICE**

**To: Nancy Johnston**  
USPTO Petition Branch

**Facsimile: 703-308-6916**  
**Telephone: 703-305-9282**

**From: Debra J. Glaister**

**Date: August 23, 2001**

We are transmitting a total of 26 pages (including this page).  
Original or hard copy to follow if this box is checked ☐.

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**Comments:**

Re: U.S. Patent Application No. 08/416,920  
Attorney Docket No.: 212302000320

Pursuant to our telephone conversation of today, attached are copies of the Associate Power of Attorney along with copies of the Petition to Revive and accompanying documents as previously filed.

Debra J. Glaister

pa-512642

**de**

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☒ A verified Statement of Small Entity Status was previously submitted.

The fee (if any) has been calculated as follows:

FOR	CLAIMS ON FILE AFTER THIS AMENDMENT MINUS HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS	43-68	0	x \$18.00	\$0.00
INDEPENDENT CLAIMS	3-6	0	x \$78.00	\$0.00
MULTIPLE DEPENDENT CLAIM(S) (if not previously paid for and presented for the first time)			+ \$260.00	\$0.00
TOTAL OF ABOVE CALCULATIONS =				\$0.00
Request for Removing the Finality of an Office Action				\$690.00
Reduction by ½ for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27, 1.28).				\$345.00
Petition for Extension of Time				\$925.00
			SUB TOTAL	\$1,270.00
Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), if deemed necessary, including reduction by ½ for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27, 1.28).				\$605.00
Petition to Waive Rules Under 37 C.F.R. § 1.183, if deemed necessary				\$130.00
			TOTAL =	\$2,005.00

☒ A check in the amount of \$1,270.00 is attached.

☒ Please charge \$605.00 for the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) and/or \$130.00 for the Petition to Waive Rules Under 37 C.F.R. § 1.183 if deemed necessary to Deposit Account No. 03-1952 referencing docket no. 212302000320.

- ☒ The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this transmittal and associated documents, or to credit any overpayment to Deposit Account N . 03-1952 referencing docket no. 212302000320. A duplicate copy of this transmittal is enclosed, for that purpose.

**COPY**

Respectfully submitted,

Dated: August 21, 2000

By: 

Debra J. Glaister

Registration No. 33,888

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5725  
Facsimile: (650) 494-0792

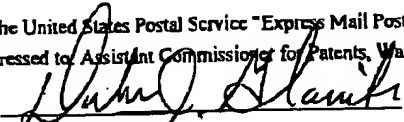
PATENT  
Docket No. 212302000320

## CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL569176266US

Date of Deposit: August 21, 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

  
Debra J. Glaister

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**COPY**

In the application of:

Stefan MILTENYI et al.

Serial No.: 08/416,920

Filing Date: April 21, 1995

For: DIRECT SELECTION OF CELLS BY  
SECRETION PRODUCT

Examiner: R. Schwadron

Group Art Unit: 1644

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PETITIONS OFFICE

**REQUEST FOR REMOVING THE FINALITY OF AN OFFICE ACTION  
PURSUANT TO 37 C.F.R. § 1.129(a)**

Box AF  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.129(a), applicant(s) request that the finality of the Office Action dated July 20, 1999 (Paper No. 19) be removed.

- ☒ The earliest effective U.S. filing date for this application is prior to June 8, 1993. A Request for a Corrected Filing Receipt claiming priority to U.S.S.N. 07/965,934 filed on October 21, 1992 was mailed to the U.S. Patent and Trademark Office on August 21, 2000, (copy is enclosed).
- ☒ This request is made prior to the filing of an appeal brief and prior to abandonment of the application.
- ☒ This is applicant(s) first request for removing the finality of an Office Action.
- ☒ A response to the Office Action was filed on January 20, 2000.
- ☒ A small entity statement was previously filed in this application.

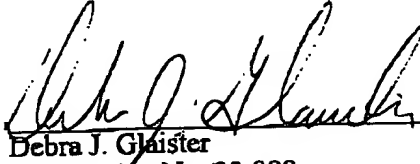
☒ A check in the amount of \$345.00 is attached.

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this request, or to credit any overpayment, to

Deposit Account No. 03-1952.

Dated: August 21, 2000

By:



Debra J. Glaister  
Registration No. 33,888

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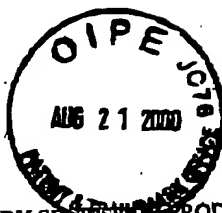
ATTORNEY DOCKET: 212302000320

SERIAL NO.: 08/416,920

FILING DATE: April 21, 1995

INVENTOR(S): Stefan MILTENYI et al

TITLE: DIRECT SELECTION OF CELLS BY SECTORED PRODUCT



DATE: August 21, 2000

Attr/Secy: DJG3/pme2

Papers enclosed herewith:

1. Amendment Transmittal - 3 pages, plus copy
2. Request for Removing Finality of an Office Action Pursuant to 37 C.F.R. § 1.129(a) - 2 pages
3. Copy of Request for a Corrected Filing Receipt as filed on August 21, 2000 - 5 pages
4. Amendment Under C.F.R. § 1.129 - 10 pages
5. Attachment listing claims presently under consideration - 5 pages
6. A Petition for Extension of Time, five (5) months - 2 pages
7. A Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) and Petition to Waive Rules Under 37 C.F.R. § 1.183 - 4 pages, plus copy
8. Associate Power of Attorney - 2 pages
9. Check in the amount of \$1,270.00 (\$345.00 + \$925.00 = \$1,270.00) - 1 page

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MORRISON & FOERSTER LLP

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